

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE) IN PROCEEDINGS UNDER
) CHAPTER 9
)
VILLAGE OF WASHINGTON PARK,) CASE NO. 09-31744
)
)
Debtor.)

MOTION TO DISMISS

ERIC JOELNER, FISH, INC., FIRST AMENDMENT, INC. AND FREE SPEECH, INC. ("Movants"), by and through their undersigned attorneys, state as follows:

1. On October 9, 2009, this Court entered its Order allowing an examination of the Debtor, pursuant to Rule 2004(a) of the Federal Rules of Bankruptcy Procedure. In its Order, the Court directed the Debtor to produce documents identified in Movants' motion for examination.

2. On several occasions, a representative of Movants appeared at the Debtor's Village Hall requesting documents and was told documents would not be produced.

3. On the 11th day of August, 2010, the Court entered yet another Order directing the Debtor to produce documents to Movants at the Debtor's Village Hall on August 27, 2010, at 11:00 A.M.

4. A representative of Movants appeared at the Debtor's Village Hall on the date, time and place as directed by the Court in its Order of August 11, 2010, and was told that the Debtor did not have the documents prepared for production.

5. In light of the Debtor's continued and persistent failure to produce documents to Movants, it is clear that the Debtor has disregarded the Court's directives in its Orders allowing the examination of the Debtor and production of documents.

6. Based upon the foregoing, cause exist for dismissing the Debtor's Chapter 9 proceeding pursuant to 11 U.S.C. § 930(a)(2). Specifically, the Debtor's failure to produce documents for nearly a year has prejudiced Movants as well as other creditors in that they have been unable to examine the Debtor's financial condition in order to determine whether the Debtor can perform under a Plan of Reorganization or whether there are other activities involving the Debtor which justify dismissal of this case or which impact the Debtor's ability to reorganize.

WHEREFORE, ERIC JOELNER, FISH, INC., FIRST AMENDMENT, INC. AND FREE SPEECH, INC., respectfully request and pray that this Court enter its Order dismissing the Debtor's proceeding pursuant to 11 U.S.C. § 930(a)(2), and Movants pray for such additional relief as the Court deems appropriate.

THE KUNIN LAW OFFICES, LLC

/s/ Steven M. Wallace

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CERTIFICATE OF SERVICE

I, the undersigned, certify that a true and correct copy of the foregoing was served electronically on all persons on the Court's CM/ECF notice list this 29th day of September 2010.

/s/ Steven M. Wallace
